

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 14-570 CRB

Plaintiff,

**ORDER GRANTING MOTION TO  
LIFT STAY**

v.

CALVIN RICHARD JOHNSON,

Defendant.

On May 20, 2016, Calvin Johnson moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence in light of Johnson v. United States, 135 S. Ct. 2551 (2015), and United States v. Dixon, 805 F.3d 1193 (9th Cir. 2015). See Mot. (dkt. 45). After ordering the government to show cause why the motion should not be granted, see OSC (dkt. 47), the Court stayed proceedings on July 8, 2016. See Order (dkt. 50).

Mr. Johnson now moves to lift the stay in light of the Ninth Circuit's decisions in Jacob v. United States, No. 15-73302 (9th Cir. August 1, 2016), and Gardner v. United States, No. 15-72559 (9th Cir. August 1, 2016). After consideration of the parties' submissions and the relevant authorities, the Court GRANTS the motion to lift the stay. The Court ORDERS the government to show cause why Mr. Johnson's § 2255 motion should not be granted within 60 days from the entry of this order. Mr. Johnson shall file a reply brief not later than 30 days after the government's response.

**IT IS SO ORDERED.**

Dated: October 24, 2016



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE